



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 16, 1996

Ms. Joanne Wright
Associate General Counsel
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483

OR96-2403

Dear Ms. Wright:

On behalf of the Texas Department of Transportation (the "department"), you have asked us to reconsider Open Records Letter No. 96-1699 (1996). Your request for reconsideration was assigned ID# 102414.

The department received a request for all maintenance records on a particular traffic light for the six months prior to December 29, 1995. The department claimed that those records should be excepted from required public disclosure under section 552.103 of the Government Code, the "litigation exception." When asserting section 552.103, a governmental body must establish that the records at issue relate to pending or reasonably anticipated litigation.

In Open Records Letter No. 96-1699 (1996), we concluded that the maintenance records are not excepted from disclosure under section 552.103 because the department did not demonstrate that it reasonably anticipates litigation. It is this conclusion that you have asked us to reconsider.

Having carefully reviewed all of the information you have provided to us, we find that the conclusion we reached in Open Records Letter No. 96-1699 (1996) is correct. Accordingly, the department must release the maintenance records to the requestor.

Yours very truly,

A handwritten signature in cursive script, reading "Karen Hattaway", is written over a horizontal line.

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

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Ref: ID# 102414

Enclosures: Submitted documents

cc: Mr. Jason Khattar
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San Antonio, Texas 78212
(w/o enclosures)